

## **Remarks**

Applicant respectfully request reconsideration of this application as amended. Claims 1, and 7-10 have been amended. Claim 6 has been cancelled. Therefore, claims 1, 3, 7-22, 24, 25 and 28-39 are presented for examination.

Applicant acknowledges that claims 6-21, 28-34, 38 and 39 would be allowable if rewritten to include the limitations of the base claims and any intervening claims.

Claims 1-4, 22, 24-26, 35-37 and 40-42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Walton et al., U.S. Publication No. 2004/0081073 (“Walton”) in view of Raleigh, U.S. Patent No. 6,377,631 (“Raleigh”). Applicant submits that the rejection has been obviated by the amendment of the claims to include the allowable limitations indicated in the Office Action. For example, claim 1 has been amended to include “*separation between adjacent coded bits being a function of a coherence bandwidth of the channel*” that has been indicated as being allowable.

Further, independent claim 24 already includes the limitation. Therefore, claims 24 and 25 are also patentable. Accordingly, applicant submits that the rejections have been overcome and that the claims are in condition for allowance, and respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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